

**Brunswick Board of Appeals  
Minutes  
November 18, 2004**

**Commission Members Present:** Chair Wayne Hawes, Secretary Barbara Baker, Vice Chair Dawn Page, and Patty O'Brien, Alternate

**Mayor & Council Present:** None.

**Staff Present:** City P & Z Administrator Rick Stup, Development Review Planner Wayne Twigg, and City Attorney David Severn

Chairman Hawes called the meeting to order at 7:00 PM

**Election of Board Officers**

In accordance with the new Bylaws & Procedures, Mr. Stup conducted an election for the seats of Chair, Vice Chair and Secretary for the remainder of FY 05 since this is the first meeting in FY 05.

The following slate of officers were nominated by Ms. Baker and seconded by Ms. Page:

Mr. Hawes, Chair; Ms. Page, Vice Chair; and Ms. Baker, Secretary. After three calls for further nominations, Mr. Stup closed nominations.

**Decision**

There being no further nominations or discussion, the slate was elected by acclamation.

**Minutes:**

The minutes for the February 26, 2004 meeting were reviewed and approved. (Motion by Ms. Page and seconded by Ms. Baker, passed Yea 3 Nay 0 )

**Chairman:**

Mr. Stup introduced Wayne Twigg, Development Review Planner, and David Severn, City Attorney.

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**Old Business:** None.

**New Business:**

**Floodplain – Variance**

**City of Brunswick** – Request for a Variance to permit the Upgrade & Expansion of the WWTP currently located within the 100 Year Floodplain of the Potomac River, located on the South side of the C & O Canal Tow Path, East of Maple Avenue (Tax Map 202, ID No. 25-476298). Zoned OS, BR-BOA-04-02-V(FP)

Chairman swore in those wishing to testify on the case.

**Staff Presentation**

Mr. Stup read the case file into the record. Mr. Twigg presented the Data Sheet (Copy Attached).

There were no questions on the Staff Report or the application.

**Applicant**

Mr. David Choate, View Engineering, presented the case for the City for Brunswick. He distributed a Fact Sheet (Copy Attached) and entered it into evidence.

There were no Board questions.

Mr. Severn questioned the applicant to expound on the individual sections of the ordinance that a variance was needed. Mr. Choate responded for each section listed in the application.

**Testimony In Support**

None.

**Testimony In Opposition**

None.

**Rebuttal**

None.

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**Decision**

Ms. Page stated that the applicant had demonstrated compliance with the following requirements for granting he Floodplain Variance:

Under the Floodplain Ordinance, Article VII, Section 7.1, the Board of Appeals is authorized to hear and decide appeals and requests for variances from the requirements of the Flood Plain Ordinance. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the 100-year flood levels will result.

Variances shall only be issued upon:

1. a showing of good and sufficient cause;
2. a determination that failure to grant lesser variance would result in exceptional hardship (other than economic) to the applicant; and
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws or ordinances.

The variance action shall be the minimum necessary, considering the flood hazard, to afford relief. In considering a variance action, comments from the State Coordination Office of Water Resources Administration must be taken into account and maintained with the permit file.

and made a motion to approve the variance request in accordance with the Staff Report (Data Sheet), with conditions as follows:

1. The Variance is limited to the requested use.
2. MDE, WRA approval of the project prior to construction.
3. The applicant is bound by their testimony, including the Fact Sheet distributed and Variance Application.

(Agency comments to be maintained in case file)

; Ms. Baker seconded the motion.

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**VOTE: Yea 3 Nay 0**

City Attorney will prepare the Resolution to be signed at the December 16 meeting.

**Board Matters:**

**Procedures**

Mr. Stup presented the Staff Draft of the Meeting/Submission Schedule for 2005 with tentative reschedule dates. While there were no direct conflicts with holidays, the dates for the November and December meetings have been adjusted in accordance with Board discussions for the 2004 Schedule. (Motion by Ms. Baker and seconded by Ms. Page, unanimously passed.)

**December Meeting**

Based on the Board Action during this meeting, there will be a Board of Appeals Meeting on December 16. Currently the only item will be the Resolution for the WWTP Floodplain Variance Application.

**Public Comment:**

None.

**Adjournment:**

The meeting was adjourned at: 7:50 PM.

Respectfully submitted,

Barbara Jean Baker, Secretary  
Brunswick Board of Appeals